

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DANIEL GARCIA,</b>	:	<b>Civil No. 1:07-CV-01886</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>(Conner, J.)</b>
	:	
<b>DAWN CUMMINGS, as Administratrix of the Estate of WALTER CUMMINGS, deceased and BLACK HORSE CARRIERS, INC.</b>	:	<b>(Carlson, M.J.)</b>
	:	
<b>Defendants.</b>	:	

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<b>DAWN CUMMINGS, Individually, and as Administratrix of the Estate of WALTER CUMMINGS,</b>	:	<b>Civil No.1:07-CV-01923</b>
	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>(Conner, J.)</b>
	:	
<b>DANIEL GARCIA and PRIME, INC.</b>	:	<b>(Carlson, M.J.)</b>
	:	
<b>Defendants.</b>	:	

**REPORT AND RECOMMENDATION**

**I.     Statement of Facts and of the Case**

This case is a diversity personal injury-automobile accident case which the district court referred to the undersigned for pre-trial management. (Doc. 90.) After

managing the pretrial litigation of this matter for the past year, on April 26, 2011, we received notice that the parties have settled their claims.(Doc. 108.)

## **II. Recommendation**

Given the parties' report that this matter has been settled, (Doc. 109), IT IS RECOMMENDED that this Court should enter a 60-day order, dismissing this action without prejudice, upon good cause shown within sixty (60) days, to reinstate the action if the settlement is not consummated, and subject to whatever Court approval the parties seek regarding the terms of the settlement. (See Doc. 108.)

The parties are further placed on notice that pursuant to Local Rule 72.3:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall

witnesses or recommit the matter to the magistrate judge with instructions.

Submitted this 26th day of April, 2011.

*S/Martin C. Carlson*

Martin C. Carlson

United States Magistrate Judge